

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**THE CHIROPRACTIC NEUROLOGY CENTER  
OF TUPELO; CHIROPRACTIC NEUROLOGY  
CONSULTANT PC d/b/a AMERICAN FUNCTIONAL  
NEUROLOGY INSTITUTE; DR. WILLIAM A. BARLOW, D.C. ;  
and DR. MATTHEW C. MACKEY, D.C.**

**PLAINTIFFS**

**V.**

**CAUSE NO. 1:15 CV 219-GHD-DAS**

**DR. MICHAEL JOHNSON, D.C. ; DR. MICHAEL JOHNSON  
d/b/a THE CENTER FOR QUALITY HEALTHCARE;  
DR. MICHAEL JOHNSON d/b/a JOHNSON METHOD  
CONSULTING; JOHN DOE ENTITIES 1-10;  
and JOHN DOES 1-10**

**DEFENDANTS**

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**PLAINTIFFS' MOTION *IN LIMINE* TO EXCLUDE REFERENCES TO KICKBACKS**

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**COME NOW**, the Plaintiffs, The Chiropractic Neurology Center of Tupelo, Chiropractic Neurology Consultant PC d/b/a American Functional Neurology Institute, Dr. William A. Barlow, D.C., and Dr. Matthew C. Mackey, D.C by and through counsel submit this Plaintiffs' Motion in Limine and move the court for an order excluding certain documentary evidence, testimony, and arguments from the trial of this matter, and in support thereof would show unto the Court as follows, to-wit:

1. Evidence, testimony, and arguments referencing the term "kickback" should be excluded from the trial of this matter.
2. The use and/or reference of the term "kickback" would only serve to prejudice and confuse the jury, and no instruction from the Court could cure the prejudice and confusion that would ensue.

3. If opposing counsel attempts to introduce or otherwise bring to the attention of the jury this matter, Plaintiffs' will be required to assert valid objections, which will cause Plaintiffs' irreparable and unfair prejudice based on the reinforcement to the jurors of this improper and inadmissible matter.

4. For these reasons and as more fully set forth in Plaintiffs' Memorandum in Support of this Motion, Plaintiffs' move this Court for an Order, *in limine*, prohibiting all counsel, parties, and witnesses from making any direct or indirect mention, reference, argument, inquiry, or interrogation using the term "kickback."

5. Plaintiffs further request that the Court instruct opposing counsel to apprise each of the witnesses Defendants expect to call of the contents of the Court's Order(s) concerning this Motion to ensure that any Order is not inadvertently violated by a witness.

6. In support of this Motion, Plaintiffs rely upon their supporting brief; the pleadings filed in this lawsuit; and the following exhibits:

- Exhibit "A" – Deposition of Dr. Michael Johnson, D.C., relevant excerpts;
- Exhibit "B" – Website [www.drandybarlowdc.com](http://www.drandybarlowdc.com), relevant excerpts; and
- Exhibit "C" – Deposition of Dr. Allen, relevant excerpts.

WHEREFORE, PREMISES CONSIDERED, for the reasons stated herein and as more fully set forth in Plaintiffs' Memorandum in Support of Their Motion *in Limine* filed simultaneously with this Motion, Plaintiffs request that the Court enter an Order:

Excluding from the trial of this matter any and all evidence, testimony, and arguments referencing the term "kickback."

Instructing opposing counsel to apprise each of the witnesses Defendants expect to call of the contents of the Court's Order(s) concerning this Motion to ensure that any Order is not inadvertently violated by a witness.

Granting Plaintiffs such further or additional relief to which they may be entitled.

Respectfully submitted, this the 24<sup>th</sup> day of October, 2017.

**THE CHIROPRACTIC NEUROLOGY CENTER  
OF TUPELO; CHIROPRACTIC NEUROLOGY  
CONSULTANT PC d/b/a AMERICAN FUNCTIONAL  
NEUROLOGY INSTITUTE; DR. WILLIAM A.  
BARLOW; and DR. MATTHEW C. MACKEY**

By: /s/ William R. Wheeler, Jr.  
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**CERTIFICATE OF SERVICE**

I, William R. Wheeler, Jr., one of the attorneys of record for the Plaintiffs, do hereby certify that I have served a true and correct copy of the above and foregoing ***Plaintiffs' Motion in Limine*** to the following:

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Dated, this the 24th day of October, 2017.

/s/ William R. Wheeler, Jr.  
WILLIAM R. WHEELER, JR.